

09/869796

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Eric DEFRANCQ et al.

Attn: PCT Branch

Application No.: 09/869,796

Docket No.: 110024

Filed: September 19, 2001

For: FUNCTIONALISED POLYNUCLEOTIDE COMPOUND, OPTIONALLY  
MARKED AND METHOD FOR DETECTING A TARGET NUCLEIC ACID

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C 371 IN THE UNITED STATES DESIGNATED/**  
**ELECTED OFFICE (DO/EO/US) WITH DECLARATION AND**  
**TRANSLATION OF THE APPLICATION**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on July 30, 2001, submitted herewith is the executed Declaration of the inventors and an accurate translation of the application. Any specification attached to and referenced in the Declaration is a copy of the specification and any amendments thereto which were filed in the Office in order to obtain a filing date for the application.

Attached is our Check No. 122773 for ☒\$260.00 ☐\$195.00 (entitlement to small entity status is asserted) for the fee under 37 C.F.R. §§ 1.492(e) and (f).

Entry of these documents should complete all of the filing formalities and fully satisfy all requirements of the Notification of Missing Requirements. Accordingly, prompt issuance of a Notification of Acceptance and Official Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Director is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461. Two duplicate copies of this paper are attached.

Respectfully submitted,

William P. Berridge  
Registration No. 30,024Thomas J. Pardini  
Registration No. 30,411WPB:TJP/zmc  
Date: September 19, 2001OLIFF & BERRIDGE, PLC  
P.O. Box 19928  
Alexandria, Virginia 22320  
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE  
AUTHORIZATION  
Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461

(1390 REV. 5-93) US DEPT. OF COMMERCE, PATENT &amp; TRADEMARK OFFICE

PCT/PTO DOCKET NUMBER  
110024

**TRANSMITTAL LETTER TO THE  
UNITED STATES  
DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A FILING  
UNDER 35 U.S.C. 371**

U.S. APPLICATION NO.  
(if known, sec 37 C.F.R.1.5)  
09/869,796

INTERNATIONAL APPLICATION NO.  
PCT/FR00/00011

INTERNATIONAL FILING DATE  
January 5, 2000

PRIORITY DATE CLAIMED  
January 5, 1999

## TITLE OF INVENTION

FUNCTIONALISED POLYNUCLEOTIDE COMPOUND, OPTIONALLY MARKED AND METHOD FOR DETECTING A TARGET NUCLEIC ACID

## APPLICANT(S) FOR DO/EO/US

Eric DEFRANCQ et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ Entitlement to small entity status is hereby asserted.
16. ☒ Other items or information: Response to Notification of Missing Requirements with Declaration and Translation

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 09/869,796		INTERNATIONAL APPLICATION NO. PCT/FR00/00011		ATTORNEY'S DOCKET NUMBER 110024	
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<p>17. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p style="margin-left: 40px;"><b>Basic National fee (37 CFR 1.492(a)(1)-(5)):</b></p> <p style="margin-left: 40px;">Search Report has been prepared by the EPO or JPO ....\$860.00</p> <p style="margin-left: 40px;">International preliminary examination fee paid to USPTO (37 CFR1.482) .....\$690.00</p> <p style="margin-left: 40px;">No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$710.00</p> <p style="margin-left: 40px;">Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$1,000.00</p> <p style="margin-left: 40px;">International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....\$ 100.00</p> <p style="text-align: right; margin-right: 20px;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p>	<p><b>CALCULATIONS</b></p>	<p><b>PTO USE ONLY</b></p>																																																																		
<p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width:20%;">Claims</th> <th style="width:20%;">Number Filed</th> <th style="width:10%;">Number Extra</th> <th style="width:10%;">Rate</th> <th style="width:10%;"></th> <th style="width:10%;"></th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">- 20 =</td> <td></td> <td>X \$ 18.00</td> <td>\$</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">- 3 =</td> <td></td> <td>X \$ 80.00</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="3">Multiple dependent claim(s)(if applicable)</td> <td style="text-align: center;">+ \$270.00</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$130.00</td> <td></td> </tr> <tr> <td colspan="4">Reduction by 1/2 for filing by small entity, if applicable.</td> <td style="text-align: center;">-</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL =</b></td> <td>\$130.00</td> <td></td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td style="text-align: center;">+</td> <td>\$130.00</td> </tr> <tr> <td colspan="4"><b>09/24/2001 MKAYPAGH 00000114 09869796 TOTAL NATIONAL FEE =</b></td> <td>\$260.00</td> <td></td> </tr> <tr> <td colspan="4" style="vertical-align: top;"> <div style="display: flex; justify-content: space-between;"> <div>01 FC:154</div> <div>130.00 OP</div> </div> <div style="display: flex; justify-content: space-between;"> <div>02 FC:156</div> <div>130.00 OP</div> </div> </td> <td style="text-align: center; vertical-align: top;"> <p>Amount to be refunded</p> <p>\$</p> </td> <td></td> </tr> <tr> <td colspan="4"></td> <td style="text-align: center; vertical-align: top;"> <p>Charged</p> <p>\$</p> </td> <td></td> </tr> </table>			Claims	Number Filed	Number Extra	Rate			Total Claims	- 20 =		X \$ 18.00	\$		Independent Claims	- 3 =		X \$ 80.00	\$		Multiple dependent claim(s)(if applicable)			+ \$270.00	\$		<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$130.00		Reduction by 1/2 for filing by small entity, if applicable.				-	\$	<b>SUBTOTAL =</b>				\$130.00		Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$130.00	<b>09/24/2001 MKAYPAGH 00000114 09869796 TOTAL NATIONAL FEE =</b>				\$260.00		<div style="display: flex; justify-content: space-between;"> <div>01 FC:154</div> <div>130.00 OP</div> </div> <div style="display: flex; justify-content: space-between;"> <div>02 FC:156</div> <div>130.00 OP</div> </div>				<p>Amount to be refunded</p> <p>\$</p>						<p>Charged</p> <p>\$</p>	
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a. ☒ Check No. 122773 in the amount of \$260.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:  
 OLIFF & BERRIDGE, PLC  
 P.O. Box 19928  
 Alexandria, Virginia 22320

Date: September 19, 2001

NAME: William P. Berridge  
 REGISTRATION NUMBER: 30,024  
  
 NAME: Thomas J. Pardini  
 REGISTRATION NUMBER: 30,411